

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 79-116 are now pending in this application which roughly track previously presented claims 13-15, 21-23, 27, 28, 47-52, 57, 58, and 74 -78. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112.

II. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME

Claims 13, 14, 23, 47, 52, 58, 74 and 78 were rejected as allegedly being obvious Ruegg et al. (U.S. Patent 6,180,563). The applicants request reconsideration of this rejection in light of the comments below.

Ruegg refers to synergistic mixtures of glufosinate or glyphosate with a specific type of sulfonylurea compound (trifloxysulfuron sodium salt). However, the applicants' claimed method of controlling harmful plants and compositions thereof do not include trifloxysulfuron sodium salt as a component of the composition used or claimed; the claims in fact, do not even refer generically to sulfonylurea compounds. Moreover, Ruegg only suggests that there is synergism when glufosinate or glyphosate with a specific type of sulfonylurea compound (trifloxysulfuron sodium salt) are combined together; not for other combinations as such, the applicants' claimed invention is unobvious over Ruegg.

The applicants are also providing a declaration by Dr. Erwin Hacker which shows evidence of unexpected results in controlling harmful plants by using representative examples of (B) herbicides in combination with glufosinate. In each instance, a greater than expected effect is achieved and with little to no damage effected in the desired cotton crop. The declaration provides a further indicia of unobviousness over Ruegg.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
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